

Notice of Allowability

Application No.

09/998,864

Examiner

Chirag G. Shah

Applicant(s)

WILKIE ET AL.

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

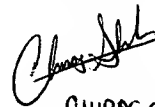
1. ☒ This communication is responsive to 9/26/06.
2. ☒ The allowed claim(s) is/are 1-3 and 5-34; renumbered 1-33 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.



CHIRAG G. SHAH
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Julie Reed on 10/02/06.

The application has been amended as follows:

10. (currently amended) A network device, transmitting data at a maximum transmission rate which is greater than a committed information rate comprising:

means for detecting real-time traffic data; and

means for reducing a the maximum transmission rate to a the committed information rate for both real-time data and non real-time data in response to the real-time data.

11. (currently amended) The network device of claim 10, wherein the network device further comprises a means for detecting a cessation of the real-time data and a means for allowing the maximum transmission rate to exceed the committed information rate.

15. (currently amended) A method, comprising:

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transmitting data at a maximum transmission rate which is greater than a committed information rate;

detecting real-time data in a network device; and

reducing a the maximum transmission rate to a the committed information rate for both real-time data and non real-time data in response to the real-time data.

16. (currently amended) The method of claim 15, wherein the method further comprises detecting a cessation of the real-time data and allowing the maximum transmission rate to exceed the committed information rate.

17. (currently amended) The method of claim 15, wherein detecting a cessation of the real-time data further comprises monitoring a timer for expiration, wherein the timer is reset upon each occurrence of the real-time data.

22. (currently amended) An article containing computer readable code that, when executed, causes the computer to:

transmit data at a maximum transmission rate which is greater than a committed information rate;

detect real-time data; and

reduce a the maximum transmission rate to a the committed information rate for both real-time data and non real-time data in response to the real-time data.

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24. (currently amended) The article of claim 22, wherein the code, when executed, causing the computer to detect a cessation of the real-time data further causes the computer to monitor a time for expiration, wherein the time is reset upon each occurrence of the real-time data.

25. (currently amended) A method, ~~the method~~ comprising:
transmitting data at a maximum transmission rate which is greater than a committed information rate;

monitoring a port electrically coupled to a real-time source for data from the source; and
reducing a the maximum transmission rate to a the committed information rate for both real-time data and non real-time data prior to the real-time data being transmitted from the source.

31. (currently amended) A method, comprising:
transmitting data at a maximum transmission rate which is greater than a committed information rate;

receiving a resource reservation request for real-time data transmitted along a path in a network; and

reducing a the maximum transmission rate to a the committed information rate for both real-time data and non real-time data in response to the request.

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32. (currently amended) The method of claim 31, wherein the method further comprises:
receiving a resource release upon the cessation of the real-time data being transmitted
along the path; and
allowing the maximum transmission rate to exceed the committed information rate.

Reasons For Allowance

2. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, Prior Art fails to disclose of a setting a maximum transmission rate for the input data including the non-real-time data equal to the committed information rate when the detector detects real-time input data such that the excess information rate is higher than the committed information rate in combination with other limitations set forth in the respective claim.

Regarding claims 10, 15, 22, 25, and 31, Prior Art fails to disclose of transmitting data at a maximum transmission rate which is greater than a committed information rate and then reducing the maximum transmission rate to the committed information rate for both real-time data and non real-time data in response to the real-time data in combination with other limitations set forth in the respective claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

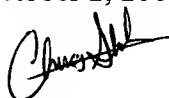
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G. Shah whose telephone number is 571-272-3144. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7682. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

cgs
October 2, 2006



Chirag G. Shah
Primary Examiner, 2616